

**ESHB 3127 - S AMD 409**

By Senators McAuliffe, Schmidt

ADOPTED 03/08/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that expanding  
4 activity in educational research, educational restructuring, and  
5 educational improvement initiatives has produced and continues to  
6 produce much valuable information. The legislature finds that such  
7 information should be shared with the citizens and educational  
8 community of the state as widely as possible. The legislature further  
9 finds that students and schools benefit from increased parental,  
10 guardian, and community involvement in education and increased  
11 knowledge of and input regarding the delivery of public education. The  
12 legislature further finds that increased community involvement with,  
13 knowledge of, and input regarding the public education system is  
14 particularly needed in low-income and ethnic minority communities.

15 The legislature finds that the center for the improvement of  
16 student learning, created by the legislature in 1993 under the auspices  
17 of the superintendent of public instruction, has not been allocated  
18 funding since the 2001-2003 biennium, and in effect no longer exists.  
19 It is the intent of the legislature to reactivate the center for the  
20 improvement of student learning, and to create an educational ombudsman  
21 to increase parent, guardian, and community involvement in public  
22 education and to serve as a resource for parents and students and as an  
23 advocate for students in the public education system.

24 **Sec. 2.** RCW 28A.300.130 and 1999 c 388 s 401 are each amended to  
25 read as follows:

26 (1) (~~Expanding activity in educational research, educational~~  
27 ~~restructuring, and educational improvement initiatives has produced and~~  
28 ~~continues to produce much valuable information. The legislature finds~~  
29 ~~that such information should be shared with the citizens and~~

1 ~~educational community of the state as widely as possible.))~~ To  
2 facilitate access to information and materials on educational  
3 improvement and research, the superintendent of public instruction, to  
4 the extent funds are appropriated, shall establish the center for the  
5 improvement of student learning. ~~((The primary purpose of the center  
6 is to provide assistance and advice to parents, school board members,  
7 educators, and the public regarding strategies for assisting students  
8 in learning the essential academic learning requirements pursuant to  
9 RCW 28A.630.885.))~~ The center shall work in conjunction with ~~((the  
10 academic achievement and accountability commission))~~ parents,  
11 educational service districts, institutions of higher education, and  
12 education, parent, community, and business organizations.

13 (2) The center, in conjunction with other staff in the office of  
14 the superintendent of public instruction, shall:

15 (a) ~~((Serve as a clearinghouse for the completed work and  
16 activities of the academic achievement and accountability commission;  
17~~

18 ~~(b))~~ Serve as a clearinghouse for information regarding successful  
19 educational improvement and parental involvement programs in schools  
20 and districts, and information about efforts within institutions of  
21 higher education in the state to support educational improvement  
22 initiatives in Washington schools and districts;

23 ~~((c))~~ (b) Provide best practices research ~~((and advice))~~ that can  
24 be used to help schools develop and implement: Programs and practices  
25 to improve instruction ~~((of the essential academic learning  
26 requirements under section 701 of this act));~~ systems to analyze  
27 student assessment data, with an emphasis on systems that will combine  
28 the use of state and local data to monitor the academic progress of  
29 each and every student in the school district; comprehensive, school-  
30 wide improvement plans; school-based shared decision-making models;  
31 programs to promote lifelong learning and community involvement in  
32 education; school-to-work transition programs; programs to meet the  
33 needs of highly capable students; programs and practices to meet the  
34 diverse needs of students based on gender, racial, ethnic, economic,  
35 and special needs status; research, information, and technology  
36 systems; and other programs and practices that will assist educators in  
37 helping students learn the essential academic learning requirements;

38 ~~((d) Develop and distribute, in conjunction with the academic  
achievement and accountability commission, parental involvement~~

1 materials, including instructional guides developed to inform parents  
2 of the essential academic learning requirements. The instructional  
3 guides also shall contain actions parents may take to assist their  
4 children in meeting the requirements, and should focus on reaching  
5 parents who have not previously been involved with their children's  
6 education;

7 ~~(e) Identify obstacles to greater parent and community involvement~~  
8 ~~in school shared decision making processes and recommend strategies for~~  
9 ~~helping parents and community members to participate effectively in~~  
10 ~~school shared decision making processes, including understanding and~~  
11 ~~respecting the roles of school building administrators and staff;~~

12 ~~(f)) (c) Develop and maintain an internet web site to increase the~~  
13 ~~availability of information, research, and other materials;~~

14 ~~((g) Take other actions to increase public awareness of the~~  
15 ~~importance of parental and community involvement in education;~~

16 ~~(h)) (d) Work with appropriate organizations to inform teachers,~~  
17 ~~district and school administrators, and school directors about the~~  
18 ~~waivers available and the broadened school board powers under RCW~~  
19 ~~28A.320.015;~~

20 ~~((i)) (e) Provide training and consultation services, including~~  
21 ~~conducting regional summer institutes;~~

22 ~~((j) Address methods for improving the success rates of certain~~  
23 ~~ethnic and racial student groups)) (f) Identify strategies for~~  
24 ~~improving the success rates of ethnic and racial student groups with~~  
25 ~~disproportionate academic achievement;~~

26 (g) Work with parents, teachers, and school districts in  
27 establishing a model absentee notification procedure that will properly  
28 notify parents when their student has not attended a class or has  
29 missed a school day. The office of the superintendent of public  
30 instruction shall consider various types of communication with parents  
31 including, but not limited to, electronic mail, phone, and postal mail;  
32 and

33 ~~((k)) (h) Perform other functions consistent with the purpose of~~  
34 ~~the center as prescribed in subsection (1) of this section.~~

35 (3) The superintendent of public instruction(~~, after consultation~~  
36 ~~with the academic achievement and accountability commission,~~) shall  
37 select and employ a director for the center.

1 (4) The superintendent may enter into contracts with individuals or  
2 organizations including but not limited to: School districts;  
3 educational service districts; educational organizations; teachers;  
4 higher education faculty; institutions of higher education; state  
5 agencies; business or community-based organizations; and other  
6 individuals and organizations to accomplish the duties and  
7 responsibilities of the center. In carrying out the duties and  
8 responsibilities of the center, the superintendent, whenever possible,  
9 shall use practitioners to assist agency staff as well as assist  
10 educators and others in schools and districts.

11 (5) The office of the superintendent of public instruction shall  
12 report to the legislature by September 1, 2007, and thereafter  
13 biennially, regarding the effectiveness of the center for improvement  
14 of student learning, how the services provided by the center for  
15 improvement of student learning have been used and by whom, and  
16 recommendations to improve the accessibility and application of  
17 knowledge and information that leads to improved student learning and  
18 greater family and community involvement in the public education  
19 system.

20 NEW SECTION. Sec. 3. (1) There is hereby created the office of  
21 the education ombudsman within the office of the governor for the  
22 purposes of providing information to parents, students, and others  
23 regarding their rights and responsibilities with respect to the state's  
24 public elementary and secondary education system, and advocating on  
25 behalf of elementary and secondary students.

26 (2)(a) The governor shall appoint an ombudsman who shall be a  
27 person of recognized judgment, independence, objectivity, and integrity  
28 and shall be qualified by training or experience or both in the  
29 following areas:

30 (i) Public education law and policy in this state;

31 (ii) Dispute resolution or problem resolution techniques, including  
32 mediation and negotiation; and

33 (iii) Community outreach.

34 (b) The education ombudsman may not be an employee of any school  
35 district, the office of the superintendent of public instruction, or  
36 the state board of education while serving as an education ombudsman.

1 (3) Before the appointment of the education ombudsman, the governor  
2 shall share information regarding the appointment to a six-person  
3 legislative committee appointed and comprised as follows:

4 (a) The committee shall consist of three senators and three members  
5 of the house of representatives from the legislature.

6 (b) The senate members of the committee shall be appointed by the  
7 president of the senate. Two members shall represent the majority  
8 caucus and one member the minority caucus.

9 (c) The house of representatives members of the committee shall be  
10 appointed by the speaker of the house of representatives. Two members  
11 shall represent the majority caucus and one member the minority caucus.

12 (4) If sufficient appropriations are provided, the education  
13 ombudsman shall delegate and certify regional education ombudsmen. The  
14 education ombudsman shall ensure that the regional ombudsmen selected  
15 are appropriate to the community in which they serve and hold the same  
16 qualifications as in subsection (2)(a) of this section. The education  
17 ombudsman may not contract with the superintendent of public  
18 instruction, or any school, school district, or current employee of a  
19 school, school district, or the office of the superintendent of public  
20 instruction for the provision of regional ombudsman services.

21 NEW SECTION. **Sec. 4.** The education ombudsman shall have the  
22 following powers and duties:

23 (1) To develop parental involvement materials, including  
24 instructional guides developed to inform parents of the essential  
25 academic learning requirements required by the superintendent of public  
26 instruction. The instructional guides also shall contain actions  
27 parents may take to assist their children in meeting the requirements,  
28 and should focus on reaching parents who have not previously been  
29 involved with their children's education;

30 (2) To provide information to students, parents, and interested  
31 members of the public regarding this state's public elementary and  
32 secondary education system;

33 (3) To identify obstacles to greater parent and community  
34 involvement in school shared decision-making processes and recommend  
35 strategies for helping parents and community members to participate  
36 effectively in school shared decision-making processes, including

1 understanding and respecting the roles of school building  
2 administrators and staff;

3 (4) To identify and recommend strategies for improving the success  
4 rates of ethnic and racial student groups with disproportionate  
5 academic achievement;

6 (5) To refer complainants and others to appropriate resources,  
7 agencies, or departments;

8 (6) To facilitate the resolution of complaints made by parents and  
9 students with regard to the state's public elementary and secondary  
10 education system;

11 (7) To perform such other functions consistent with the purpose of  
12 the education ombudsman; and

13 (8) To consult with representatives of the following organizations  
14 and groups regarding the work of the office of the education ombudsman,  
15 including but not limited to:

- 16 (a) The state parent teacher association;
- 17 (b) Certificated and classified school employees;
- 18 (c) School and school district administrators;
- 19 (d) Parents of special education students;
- 20 (e) Parents of English language learners;
- 21 (f) The Washington state commission on Hispanic affairs;
- 22 (g) The Washington state commission on African-American affairs;
- 23 (h) The Washington state commission on Asian Pacific American  
24 affairs; and
- 25 (i) The governor's office of Indian affairs.

26 NEW SECTION. **Sec. 5.** (1) Neither the education ombudsman nor any  
27 regional educational ombudsmen are liable for good faith performance of  
28 responsibilities under this chapter.

29 (2) No discriminatory, disciplinary, or retaliatory action may be  
30 taken against any student or employee of any school district, the  
31 office of the superintendent of public education, or the state board of  
32 education, for any communication made, or information given or  
33 disclosed, to aid the education ombudsman in carrying out his or her  
34 duties and responsibilities, unless the same was done without good  
35 faith or maliciously. This subsection is not intended to infringe upon  
36 the rights of a school district to supervise, discipline, or terminate

1 an employee for other reasons or to discipline a student for other  
2 reasons.

3 (3) All communications by the education ombudsman or the  
4 ombudsman's staff or designee, if reasonably related to the education  
5 ombudsman's duties and responsibilities and done in good faith, are  
6 privileged and that privilege shall serve as a defense to any action in  
7 libel or slander.

8 NEW SECTION. **Sec. 6.** The education ombudsman shall treat all  
9 matters, including the identities of students, complainants, and  
10 individuals from whom information is acquired, as confidential, except  
11 as necessary to enable the education ombudsman to perform the duties of  
12 the office. Upon receipt of information that by law is confidential or  
13 privileged, the ombudsman shall maintain the confidentiality of such  
14 information and shall not further disclose or disseminate the  
15 information except as provided by applicable state or federal law.

16 NEW SECTION. **Sec. 7.** The education ombudsman shall report on the  
17 work and accomplishment of the office and advise and make  
18 recommendations to the governor, the legislature, and the state board  
19 of education annually. The initial report to the governor, the  
20 legislature, and the state board of education shall be made by  
21 September 1, 2007, and there shall be annual reports by September 1st  
22 each year thereafter. The annual reports shall provide at least the  
23 following information:

- 24 (1) How the education ombudsman's services have been used and by  
25 whom;
- 26 (2) Methods for the education ombudsman to increase and enhance  
27 family and community involvement in public education;
- 28 (3) Recommendations to eliminate barriers and obstacles to  
29 meaningful family and community involvement in public education; and
- 30 (4) Strategies to improve the educational opportunities for all  
31 students in the state, including recommendations from organizations and  
32 groups provided in section 4(8) of this act.

33 NEW SECTION. **Sec. 8.** Sections 3 through 7 of this act constitute  
34 a new chapter in Title 43 RCW.

1        NEW SECTION.   **Sec. 9.**  If specific funding for the purposes of this  
2 act and section 2 of this act, referencing this act and section 2 of  
3 this act by bill or chapter number and section number, is not provided  
4 by June 30, 2006, in the omnibus appropriations act, section 2 of this  
5 act is null and void."

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**ADOPTED 03/08/2006**

6        On page 1, line 1 of the title, after "education;" strike the  
7 remainder of the title and insert "amending RCW 28A.300.130; adding a  
8 new chapter to Title 43 RCW; and creating new sections."

**--- END ---**